IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No. 5973 of 2005

Between:

1 Tata Seetaiah @ Seetharamaiah, S/o.Nagaiah,
R/o.Vikuntapuram, Chirala,Prakasam District.
2 Tata Venkateswara Rao, S/o.Venkatachalam,
R/o.Paparaju Thota, Chirala,Prakasam District.
3 S.Srinivasa Rao, S/o.Nageswara Rao,
R/o.Vikuntapuram, Chirala,Prakasam District.
4 C.Srinivasa Rao, S/o.Subbarayudu,
R/o.Paparaju Thota, Chirala,Prakasam District.
5 R.Prasad, S/o.Nageswara Rao,
R/o.Sriramanagar, Chirala,Prakasam District.
6 J.Venkata Rao, S/o.Venkateswara Rao,
R/o.Vikuntapuram, Chirala,Prakasam District.
7 P.Koti Reddy, S/o.Gangi Reddy,
R/o.Vikuntapuram, Chirala,Prakasam District.
8 D.Subba Reddy, S/o.Tati Reddy,
R/o.Vikuntapuram, Chirala,Prakasam District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh,

rep.by its Special Chief Secretary, Revenue (Excise -II)

Department, Secretarait, Hyderabad.
2 The Commissioner for Prohibition & Excise,

Andhra Pradesh, Hyderabad.
3 The Deputy Commissioner, Prohibition & Excise Department,

Guntur,Guntur District.

4 The District Collector, Prakasam District, Ongole.
5 The Excise Superintendent, Ongole, Prakasam District.
6 The Prohibition & Excise Inspector, Chirala Circle,

Chirala, Prakasam Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of writ of Mandamus by declaring the proceedings Cr.No. 1878/2005/CPE/E3 dated 16-03-2005 issued by the 2nd respondent as illegal, arbitrary and contrary to the Excise policy for the year 2004-2005 in so far as not including the names of the petitioners and set aside the same and consequently direct the respondents to include the names of the petitioners as members of the Newly proposed "Chirala Tappers cooperative society for the Excise year 2004-2005 and to pass such other order or orders as it may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners : MR.V.AJAYAKUMAR

Counsel for the Respondents : GP FOR PROHIBITION & EXCISE

The Court made the following :

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ORDER :

The petitioners are residents of Chirala. They are aggrieved by the proceedings dated 16-3-2005 issued by the second respondent, whereby and whereunder, considering the proposal submitted by respondents 3 and 4, the second respondent sanctioned for establishment of Chirala Toddy Tappers Cooperative Society (TCS) for the Excise Year 2004-05 in Prakasam District with sixteen members mentioned in the impugned order. It is the case of the petitioners that the fifth respondent sent a report to the second respondent on 14-2-2005 informing that the petitioners herein are also qualified for inclusion of their names in the newly proposed Chirala TCS. But the second respondent did not include the petitioners in an arbitrary manner.

This Court while admitting the writ petition on 25-3-2005 made observations to the effect that any notification issued pursuant to the impugned proceedings would be subject to result of the writ petition.

Though interlocutory application is coming up for consideration, the main writ petition itself was heard with the consent of the parties and is being disposed of finally.

The policy guidelines for Toddy for 2004-05 (1-10-2004 to 30-9-2005) (hereafter called 'the Toddy Policy') were announced by the Government in G.O.Ms.No.767, Revenue (Ex.II) Department, dated 29-9-2004. As per para 8(a) it is competent for the second respondent to receive applications for grant of new Toddy Tappers Societies or Tree for Tappers licences. As per paras 3 and 4 of eligible tappers engaged in the profession of tapping and who can climb and draw toddy from the Excise Trees are eligible for being the members of TCS established in the village. When the petitioners approached the competent Excise officials, fifth respondent sent a report to the second respondent informing that the petitioners are recommended for inclusion in newly formed TCS of Chirala. Therefore, the grievance of the petitioners is to be looked into by the second respondent himself as their names are not included in the sanctioned order. The petitioners are given liberty to approach the second respondent and file an application for inclusion of their names in the TCS.

Accordingly, the petitioners are directed to make an application to the second respondent within a period of two weeks from today and the second respondent is directed to consider the said application and take necessary action, within a period of four weeks from the date of submission of such application, in accordance with law.

The writ petition is accordingly disposed of. No costs.

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(V.V.S. RAO, J.)

14-06-2005.

Msr.

To

1 The Special Chief Secretary, Revenue (Excise -II)

Department, Govt. of A.P., Secretariat, Hyderabad.
2 The Commissioner for Prohibition & Excise,

Andhra Pradesh, Hyderabad.
3 The Deputy Commissioner, Prohibition & Excise Department,

Guntur,Guntur District.
4 The District Collector, Prakasam District, Ongole.
5 The Excise Superintendent, Ongole, Prakasam District.
6 The Prohibition & Excise Inspector, Chirala Circle,

Chirala, Prakasam Dist.

7 2 CCs to Government Pleader for Prohibition and Excise,

High Court Buildings, Hyderabad.

8 2 CD copies.

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.5973 of 2005

14-06-2005

(Msr)